



Governmental Operations Committee

**Monday, April 17, 2006
1:00 - 2:00 PM
Morris Hall**

Action Packet

COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
David Rivera (Chair)	X		
Frank Attkisson	X		
Loranne Ausley			X
Anna Benson	X		
Kenneth Gottlieb	X		
David Meador	X		
Ray Sansom	X		
Totals:	6	0	1

Committee meeting was reported out: Monday, April 17, 2006 3:11:57PM

COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 651 : Secondhand Dealers

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson			X		
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 5		Total Nays: 0			

Committee meeting was reported out: Monday, April 17, 2006 3:11:57PM

COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 675 CS : Public Records and Public Meetings

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Meador	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6		Total Nays: 0			

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 775 CS : Psychologist Specialties

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson		X			
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 5		Total Nays: 1			

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 911 CS : Use of State Facilities as Emergency Shelters

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6 Total Nays: 0					

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1117 : Public Records

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Meador	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6		Total Nays: 0			

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1223 : Florida Retirement System

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6		Total Nays: 0			

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1285 : Public Records Exemptions

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb		X			
David Meador	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 5		Total Nays: 1			

Committee meeting was reported out: Monday, April 17, 2006 3:11:57PM

COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1369 : Public Records

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Meador	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6 Total Nays: 0					

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1421 : Department of Public Safety

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6 Total Nays: 0					

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1451 : Public Records

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6 Total Nays: 0					

Committee meeting was reported out: Monday, April 17, 2006 3:11:57PM

COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1469 CS : Public Records

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6		Total Nays: 0			

Committee meeting was reported out: Monday, April 17, 2006 3:11:57PM

COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

PCS for HB 1563 : Public Records

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Loranne Ausley			X		
Anna Benson	X				
Kenneth Gottlieb	X				
David Mealor	X				
Ray Sansom	X				
David Rivera (Chair)	X				
Total Yeas: 6 Total Nays: 0					

Appearances:

Public Records

Mr. David Ellspermann - Proponent

Clerk of Circuit Court - Marion County

P.O. Box 1030

Ocala, Florida 34478

Phone: 352-620-3910

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COMMITTEE MEETING REPORT
Governmental Operations Committee

4/17/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

Governmental Operations Committee

Monday April 17, 2006 01:00 pm

HB 651	Favorable	Yeas: 5	Nays: 0
HB 675 CS	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 775 CS	Favorable With Committee Substitute	Yeas: 5	Nays: 1
HB 911 CS	Favorable	Yeas: 6	Nays: 0
HB 1117	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 1223	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 1285	Favorable With Committee Substitute	Yeas: 5	Nays: 1
HB 1369	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 1421	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 1451	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 1469 CS	Favorable With Committee Substitute	Yeas: 6	Nays: 0
PCS for HB 1563	Favorable With Committee Substitute	Yeas: 6	Nays: 0

Committee meeting was reported out: Monday, April 17, 2006 3:11:57PM

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 775 CS

Psychologist Specialties

SPONSOR(S): Roberson

TIED BILLS:

IDEN./SIM. BILLS: SB 1560

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Health Care Regulation Committee</u>	<u>9 Y, 0 N, w/CS</u>	<u>Hamrick</u>	<u>Mitchell</u>
2) <u>Governmental Operations Committee</u>	<u></u>	<u>Mitchell</u>	<u>Williamson</u>
3) <u>Health & Families Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill provides criteria and rulemaking authority for the Board of Psychology to approve certifying bodies that recognize a psychologist or school psychologist as a "certified psychology specialist" or a "psychology diplomate." The bill defines the terms "specialist" and "diplomate."

The bill prohibits a licensed psychologist or school psychologist from representing that he or she is a certified psychology specialist or a psychology diplomate unless that recognition is from a certifying body that has been approved by the Board of Psychology.

The bill permits a licensed psychologist or school psychologist to indicate the services offered and whether his or her practice is limited to one or more types of services as long as it accurately reflects their scope of practice.

The bill does not appear to have a fiscal impact on local governments. The fiscal impact on state government expenditures appears to be minimal implementation costs of rulemaking and processing.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – This bill authorizes the Board of Psychology to adopt rules for approving entities that recognize psychology specialists and psychology diplomates.

Safeguard individual liberty – The bill prohibits a licensed psychologist or school psychologist from making certain professional titles unless those titles were conferred by an entity approved by the Board of Psychology.

Promote Personal Responsibility – The bill limits the use of certain professional titles by psychologists and school psychologists.

B. EFFECT OF PROPOSED CHANGES:

Psychology and School Psychology Licensing and Specialties

Chapter 490, Florida Statutes, is the Psychological Services Act.¹ The Psychological Services Act creates the Board of Psychology within the Department of Health.² The Board of Psychology is responsible for certifying that applicants meet the criteria for licensure by examination³ or licensure by endorsement.⁴ The Department of Health then issues the applicant a license⁵ as a psychologist or a school psychologist.⁶ There are approximately 3,439 active licensed psychologists and 572 active school psychologists.⁷

There is, however, no authority for the Board of Psychology or the Department of Health to recognize specialties in psychology. As such, licensed psychologists and school psychologists, may use a psychological specialty recognized by a private entity or certifying body as long as the use of the specialty recognition does not violate statutory disciplinary standards.⁸

The use of psychological specialties, however, has implications for the public and the legal system,⁹ which must evaluate the varying specialty credentials of psychologists and school psychologists. Some certifying entities require review of credentials, documentation, and work sample, as well as a comprehensive oral or written examination.¹⁰ Yet, other boards are referred to as “vanity boards” and require very little documentation other than a brief one-page or two-page application form and a fee.¹¹

¹ Fla. Stat. § 490.001 (2005).

² Fla. Stat. § 490.004 (2005) (The Board of Psychology is composed of seven members appointed by the Governor and confirmed by the Senate. Five members of the Board of Psychology must be state-licensed psychologists and two members must be citizens with no connection to the practice of psychology. Members of the Board of Psychology serve four year terms.).

³ Fla. Stat. § 490.005 (2005).

⁴ Fla. Stat. § 490.006 (2005).

⁵ See, e.g., § 490.005(1) (2005).

⁶ See, e.g., § 490.003(4) (2005) (defining the “practice of psychology” as the observation, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health).

⁷ Fla. Dep’t of Health, 2004-2005 Annual Report, available at http://www.doh.state.fl.us/mqa/Publications/04-05mqa_ar.pdf, p. 34 (last visited Apr. 11, 2006).

⁸ See, e.g., Fla. Stat. § 490.009(1)(d) (2005) (false, deceptive, or misleading advertising).

⁹ Psychologists, for example, render opinions to courts on issues such as competency to stand trial.

¹⁰ Frank M. Dattilio & Robert L. Sadoff, How Expert is Your Mental Health Expert?, 27 Pa. Law. 28, 31 (Jan./Feb. 2005) (specifically referencing the American Board of Professional Psychology).

¹¹ *Id.* at 32.

Recognizing Psychology Specialties

This bill allows the Board of Psychology to establish criteria, by rule, to approve certifying bodies that recognize a psychologist or a school psychologist as a “certified psychology specialist or a “psychology diplomate.” The bill requires the Board of Psychology to utilize the following criteria in approving certifying bodies:

- Peer review and self study;
- Established standards;
- Assessment of competency characteristics of the specialty;
- Administrative support; and
- Unified relationship to the public and the profession.

The bill also defines the term “specialist” or “diplomate” to mean a psychologist with recognized competency acquired through an organized sequence of formal education, training, experience, and professional standing.

The bill prohibits a licensed psychologist or school psychologist from representing that he or she is a certified psychology specialist or a psychology diplomate unless that recognition is from a certifying body that has been approved by the Board of Psychology.

The bill permits a licensed psychologist or school psychologist to indicate the services offered or whether his or her practice is limited to one or more types of services as long as it accurately reflects their scope of practice.

C. SECTION DIRECTORY:

Section 1: Creates section 490.0149, Florida Statutes, to provide a definition; to limit the use of certain specialty titles; to authorize rulemaking; and to allow offered or limited services to be indicated.

Section 2: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill appears to have a fiscal impact on state government expenditures through minimal increases in rulemaking, entity processing, and complaint processing costs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill will have a direct economic impact on the representation and advertising of psychologists and school psychologists who utilize psychological specialties. This bill also will have a direct economic impact on certifying bodies of psychological specialties.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that counties municipalities have to raise revenue.

2. Other:

First Amendment

To the extent this bill permits restrictions on professional advertising, it may be subject to challenge under the First Amendment of the United States Constitution. Courts, however, have previously upheld similar restrictions.

B. RULE-MAKING AUTHORITY:

This bill authorizes the Board of Psychology to adopt rules for approving entities that recognize psychology specialists and psychology diplomates.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issue: Consistent Terminology

The bill uses the terms "specialist," "diplomate," "certified psychology specialist," "psychology diplomate," and "board-certified psychology specialist." The sponsor may wish to use consistent terminology throughout the bill.

Drafting Issue: Criteria

The sponsor may wish to consider two changes to the section of the bill that provides the criteria for the Board of Psychology to use in approving certifying bodies. First, the reference to subsection (2) is potentially confusing. Second, the criteria may not be stringent enough to prevent a "vanity board" from meeting the criteria and being approved.

Drafting Issue: More Specific Rulemaking Authority

As the Department of Health is responsible for rulemaking for school psychologists, the sponsor may wish to provide more specific rulemaking authority.¹²

¹² Dep't of Health, HB 775 CS (2006) Bill Analysis, Economic Statement, and Fiscal Note (Apr. 11, 2006).

Other Comments: American Psychological Association

According to a telephone conversation between the Health Care Regulation Committee and staff of the American Psychology Association (“APA”), the APA recognizes that there is a problem nationally with individuals who hold themselves out as a board-certified specialist or a diplomate, but who have “suspect training” or “vanity credentials.”

The APA has discussed the possibility of developing criteria that may be used to identify an appropriate certifying body of legitimate psychology specialties. To date, there has been no policy action by the APA.¹³

Other Comments: The American Board of Professional Psychology

One example of a certifying body is the American Board of Professional Psychology (ABPP), which was incorporated in 1947 with the support of the American Psychological Association. The American Board of Professional Psychology currently recognizes 13 specialty boards.¹⁴

The ABPP provides the following criteria for organizations to determine the competency of certifying bodies that provide certified specialties in professional psychology:¹⁵

- National in scope, appropriately incorporating standards of the profession and collaborating closely with organizations related to specialization in psychology.
- Have clearly described purposes, related by-laws, policies, and procedures which are accountable to the public, its certified specialists, and the profession.
- Develop and implement examinations designed to assess the competencies required to provide quality services in the specialties it certifies.
- Not be a governmental, membership, advocacy, or accrediting body.
- Have organizational and financial stability with professional and office support staff.
- Be governed by a single, national in scope, not-for-profit corporation comprised of a certified specialist Trustee (Board Member) from each of its multiple, member Specialty Boards as well as public member representation. The multiple board structure provides a continuing peer review of the organization's activities. The governing board has formal procedures for the selection and tenure of Trustees.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 4, 2006, the Health Care Regulation Committee adopted a “strike-all” amendment that made the following changes:

¹³ E-mail from the Deputy Exec. Dir. for Educ., Am. Psychological Ass’n (on file with the Health Care Regulation Comm.).

¹⁴ (1) The American Board of Cognitive and Behavioral Psychology; (2) The American Board of Clinical Psychology; (3) The American Board of Clinical Child and Adolescent Psychology; (4) The American Board of Clinical Health Psychology; (5) The American Board of Clinical Neuropsychology; (6) The American Board of Counseling Psychology; (7) The American Board of Family Psychology; (8) The American Board of Forensic Psychology; (9) The American Board of Group Psychology; (10) The American Board of Psychoanalysis in Psychology; (11) The American Board of Rehabilitation Psychology; (12) The American Board of School Psychology; and (13) The American Board of Organizational and Business Consulting Psychology. According to the ABPP, practice activities in any specialty seldom are exclusive to the specialty and most practice activities are shared with the general practice of professional psychology. The pattern of practice activities, including limiting the scope of practice, and focus upon more complex or unique problems or technologies is more relevant in defining a specialty together with advanced education, training, and experience.

¹⁵ American Board of Professional Psychology, Standards for the Purpose and Structure of a Body Certifying Psychologists as Specialists in Professional Psychology, available at http://www.abpp.org/brochures/general_brochure.htm (last visited Apr. 5, 2006).

- Removed the specific mention of the American Board of Professional Psychology as a recognized agency;
- Added a definition of specialist or diplomate;
- Provided the criteria that the board must use in establishing specific criteria for the approval of certifying bodies; and
- Made a more specific reference to “certified psychology specialists” or “psychology diplomate” and removes the general reference to “specialist” or “diplomate”.

The bill, as amended, was reported favorably as a committee substitute.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1421

Department of Public Safety

SPONSOR(S): Needelman

TIED BILLS:

IDEN./SIM. BILLS: SB 2684

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Governmental Operations Committee</u>	<u></u>	Brown <i>zib</i>	Williamson <i>haw</i>
2) <u>Criminal Justice Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Criminal Justice Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>State Administration Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill creates a new executive branch department – the Department of Public Safety.

Within this new department, the bill inserts the Florida Highway Patrol (removed from the Department of Highway Safety and Motor Vehicles) and the Florida Marine Patrol (removed from the Fish and Wildlife Conservation Commission's Division of Law Enforcement and subsequently renamed). The bill grants certain duties, powers, and control of personnel matters to the Florida Marine Patrol, similar or identical to current Florida Highway Patrol powers and duties.

The bill will have a significant though indeterminate fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill creates a new department within the executive branch.

Maintain public security – The bill moves certain disparate law enforcement entities into a single department.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida Highway Patrol

The Department of Highway Safety and Motor Vehicles (HSMV) is created by s. 20.24, F.S. The Florida Highway Patrol (FHP) is a division of HSMV.¹ The other divisions that constitute HSMV are the Division of Drivers' Licenses and the Division of Motor Vehicles.

Chapter 321, F.S., details the duties of the Florida Highway Patrol. Specifically, the FHP must:

- Patrol the state highways and regulate, control, and direct the movement of traffic thereon;
- Maintain the public peace by preventing violence on highways;
- Apprehend fugitives from justice;
- Enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and provide for the protection of the public highways and public property thereon;
- Make arrests without warrant for the violation of any state law committed in their presence;
- Regulate and direct traffic concentrations and congestions;
- Enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles;
- Cooperate with officials designated by law to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose;
- Require the drivers of vehicles to stop and exhibit their driver's licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, when requested in writing, to any person in interest or his or her attorney; and
- Investigate reported thefts of vehicles and to seize contraband or stolen property on or being transported on the highways.²

Fish and Wildlife Conservation Commission

The State Constitution mandates the existence of the Fish and Wildlife Conservation Commission (FWCC).³ Section 20.331, F.S., implements the FWCC, and creates five divisions within it,⁴ as follows:

¹ Section 20.24(2)(a), F.S.

² Section 321.05(1), F.S.

³ Section 9, Art. IV, Constitution of the State of Florida.

⁴ In 1999, the FWCC was created by combining the Marine Fisheries Commission and components of the Department of Environmental Protection with the former Game and Fresh Water Fish Commission. This centralized fish and wildlife resource conservation, management, research, and enforcement into one agency, dedicated to the perpetuation and protection of Florida's saltwater, freshwater, and wildlife resources. The FWCC Division of Law Enforcement was formed from the combination of the Division of Law Enforcement of the Game and Fresh Water Fish Commission and components of the Department of Environmental Protection's Division of Law Enforcement. These individual law enforcement entities each had unique responsibilities for the enforcement of fish and wildlife resource laws as well as boating safety on the waterways under their separate jurisdictions. [2006 Legislative Bill Analysis – HB 1421, Florida Fish and Wildlife Conservation Commission, April 14, 2006.]

- Freshwater Fisheries Management;
- Marine Fisheries Management;
- Hunting and Game Management;
- Habitat and Species Conservation; and
- Law Enforcement.

The duties of the Division of Law Enforcement are to ensure enforcement of laws and rules regarding marine life and waterways.⁵ As sworn law enforcement officers, the division's officers also enforce boating laws, provide public safety services on land and water, provide search-and-rescue operations, assist in the enforcement of all general laws, and coordinate with local, state, and federal entities on law enforcement issues.⁶ Under this system, officers are authorized to address many enforcement issues concurrently. The union of previously-disparate law enforcement entities streamlines resource protection and boating safety efforts by efficiently providing a group of officers who can provide comprehensive law enforcement services to marine, freshwater, and upland resources and to the public utilizing these resources.⁷ No matter what an officer's primary objective is for a patrol activity, that officer is cross-trained, equipped, and capable to address any enforcement issue that presents itself.⁸

Section 20.331(4), F.S., creates the Boating and Waterways section (BWS) within the FWCC Division of Law Enforcement. The BWS section of the Division of Law Enforcement is empowered to manage and promote the use of state waterways for safe and enjoyable boating, including oversight and coordination of waterway markers, providing boating education, improving boating access, coordinating removal of derelict vessels, implementing economic development programs to promote boating, and coordinating the submission of state comments on marine events.⁹

Type One Transfer

Section 20.06, F.S., provides for the reorganization of executive branch agencies, or portions thereof. A type one transfer describes the process of moving an intact agency¹⁰ or department so that the agency or department becomes a unit of another agency or department.¹¹ In a type one transfer, the moving agency's powers and duties remain intact, administrative rules remain valid, and all property and personnel transfer to the receiving agency. Segregated funds are transferred in a manner that retains the relationship between program and revenue source.¹²

Limitation on Executive Branch Departments

Section 20.02(2), F.S., declares that the executive branch may not consist of more than 25 departments, exclusive of those specifically provided for or authorized in the State Constitution. There are currently 22 distinct departments created in chapter 20, F.S., including those authorized by the Constitution (the Fish and Wildlife Conservation Commission, the Department of Veterans' Affairs, and the Department of Elderly Affairs).

Proposed Changes

The bill creates a new Department of Public Safety (DPS). The DPS is made up of two divisions, transferred by type one transfer from other agencies. These two divisions are the Florida Highway

⁵ Section 20.331(7)(e), F.S.

⁶ *Id.*

⁷ 2006 Legislative Bill Analysis – HB 1421, Florida Fish and Wildlife Conservation Commission, April 14, 2006.

⁸ *Id.*

⁹ Section 20.331(7)(e)1., F.S.

¹⁰ For purposes of Chapter 20, F.S., the term "agency" includes divisions, sections, or other units or entities of government. [s. 20.03, F.S.]

¹¹ Section 20.06(1), F.S.

¹² *Id.*

Patrol (transferred from the HSMV) and the Florida Marine Patrol (the BWS, transferred from the division of Law Enforcement at FWCC).

A majority of the bill makes conforming changes to various statutes involving the FHP. The bill also creates new sections of law regarding the Florida Marine Patrol (FMP). It grants the division powers and duties similar or identical to current powers and duties of the FHP.¹³ These statutes include provisions regarding employee qualifications, supplies and equipment, a color scheme, impersonation of officers or official vehicles, and the duties of law enforcement officers.¹⁴

With regard to the removal of the current BWS, the bill states that the number of sworn law enforcement FTE positions transferred to the new DPS “shall be one-half the number of such positions in the Fish and Wildlife Conservation Commission.” The remaining half of the FTE law enforcement positions remain with the FWCC’s Division of Law Enforcement.

The bill also addresses the number of management positions in each division. The bill amends s. 321.04, F.S., to assert that within the FHP, “management positions shall not exceed 6 percent [6%] of the total workforce.”¹⁵ It also creates s. 327.904, F.S., which asserts the same six percent management cap for the FMP.

The bill authorizes the DPS to employ boating accident investigation officers who “must complete any applicable standards adopted by the patrol including, but not limited to: cognitive testing, drug testing, polygraph testing, psychological testing, and an extensive background check, including a credit check.”

C. SECTION DIRECTORY:

Section 1 creates s. 20.60, F.S., creating the Department of Public Safety, containing the Division of the Florida Highway Patrol and the Division of the Florida Marine Patrol.

Section 2 transfers the Florida Highway Patrol to the Department of Public Safety by Type One transfer.

Section 3 transfers the Boating and Waterways Section of the Fish and Wildlife Conservation Commission’s Law Enforcement Division to the Department of Public Safety by Type One transfer.

Sections 4 – 7 make conforming changes.

Section 8 amends s. 282.1095, F.S., to include a member of the Florida Marine Patrol on the Joint Task Force on State Agency Law Enforcement Communications.

Sections 9 – 16 make conforming changes.

Section 17 amends s. 316.640, F.S., to permit officers of the Florida Marine Patrol to enforce the traffic laws of the state.

Sections 18 – 20 make conforming changes.

Section 21 amends s. 321.04, F.S., to make conforming changes, to assert that management positions within the division will not exceed six percent of the total workforce, and to provide that the Governor shall select the patrol officer assigned to the Executive Office of the Governor.

Sections 22 – 25 make conforming changes.

¹³ The new statutes are placed in a new Part II of Chapter 327, F.S. Chapter 327, F.S., currently covers “Vessel Safety,” and this title is retained for Part I of the revised chapter. The legislation directs the Division of Statutory Revision to title Part II, “Florida Marine Patrol.”

¹⁴ See fn. 10. These provisions are placed in new sections 327.901 – 327.9065, F.S.

¹⁵ Along with this change and some conforming changes, Section 21 also clarifies that the Governor, rather than the department, shall select the FHP officer assigned to the Executive Office of the Governor.

Section 26 amends s. 321.25, F.S., to make conforming changes and to permit the Florida Marine Patrol to establish training criteria for its candidates.

Section 27 directs the Division of Statutory Revision to title the existing provisions of chapter 327, F.S., as Part I – “Vessel Safety,” and to create a new Part II – “Florida Marine Patrol.”

Section 28 creates s. 327.901, F.S., providing definitions.

Section 29 creates s. 327.902, F.S., granting powers and duties to the Department of Public Safety regarding personnel matters, supplies and equipment, and authority to prescribe a color scheme.

Section 30 creates s. 327.903, F.S., prohibiting impersonation of a Florida Marine Patrol employee or vehicle.

Section 31 creates s. 327.904, F.S., providing provisions regarding personnel and to assert that management positions within the division will not exceed six percent of the total workforce.

Section 32 creates s. 327.905, F.S., providing provisions detailing the duties of Florida Marine Patrol officers.

Section 33 creates s. 327.9065, F.S., allowing the employment of boating accident investigation officers.

Sections 34 – 42 make conforming changes.

Section 43 provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not explicitly create, modify, amend, or eliminate a state revenue source, but see D. FISCAL COMMENTS, below.

2. Expenditures:

The bill does not explicitly create, modify, amend, or eliminate a state expenditure, but see D. FISCAL COMMENTS, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not create, modify, amend, or eliminate a local revenue source.

2. Expenditures:

The bill does not create, modify, amend, or eliminate a local expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The FWCC has opined that the fiscal impact of this legislation on the private sector potentially could be significant.¹⁶ This bill reduces the number of officers available to protect resources and safeguard commercial industry. The economic impact of hunting, freshwater fishing, saltwater fishing, wildlife

¹⁶ 2006 Legislative Bill Analysis – HB 1421, Florida Fish and Wildlife Conservation Commission, April 14, 2006.

viewing, commercial fishing, seafood processing, and the boating industry is over \$30 billion and over 339,000 jobs.¹⁷ The FWCC Division of Law Enforcement's activities and services, which are dedicated to protecting the resources of Florida and the public safety of those persons utilizing the resources of the State, enhances the ability of these industries to exist and thrive. The provisions of this bill would greatly diminish the ability of the Division to continue its current level of services.¹⁸

D. FISCAL COMMENTS:

The HSMV has stated that the FHP currently has 2,360 positions and an appropriation of \$202,181,558.¹⁹ Of these amounts, \$131,398,580 is funded from the General Revenue Fund and the remaining amount is funded from trust funds.²⁰ Additionally 85 positions funded at approximately \$6.0 million provide administrative and data processing support to the Florida Highway Patrol.²¹ The HSMV opines that if the legislation becomes law, approximately \$50 million of the amount funded from trust funds will need to be supplemented from the General Revenue Fund or other sources, "as this portion is currently funded from driver license and motor vehicle revenue sources."²²

Implementation of this legislation also will require programming modifications to the Driver License Information System. HSMV states that the cost will be absorbed within existing resources.²³

The FWCC Division of Law Enforcement currently has 902.5 FTEs and funding in the amount of \$78,864,146 (recurring), and the current number of sworn FTEs is 722.²⁴ If the bill passes, \$45,507,456 in appropriations and 380 FTEs will be transferred to the newly created department.

Additionally, the Marine Resource Conservation Trust Fund (MRCTF) would be impacted significantly by the transfer of the boating safety federal grant appropriations. These funds are deposited into the MRCTF and are utilized throughout the Division to support law enforcement activities.²⁵ The removal of these funds would negatively impact all areas of the Division of Law Enforcement.²⁶

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

To the extent that the bill contains provisions making conforming changes, there are some grants of rulemaking implicated. These provisions are merely current law, with the current grants of authority

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ 2006 DHSMV Bill Analysis, HB 1421, Department of Highway Safety and Motor Vehicles, March 6, 2006.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ 2006 Legislative Bill Analysis – HB 1421, Florida Fish and Wildlife Conservation Commission, April 14, 2006.

²⁵ *Id.*

²⁶ *Id.*

transferred to the new DPS. Pursuant to the type one transfer provisions, current rules will remain in effect.²⁷ However, there are two new grants of rulemaking authority:

- The bill grants DPS rulemaking authority to adopt Florida Marine Patrol officer training, education, suspension, and other personnel rules. The provision is nearly identical to the current s. 321.02, F.S., granting DHSMV authority to promulgate the same rules for the current Florida Highway Patrol.
- The bill allows the DPS to employ boating accident investigation officers and lists certain applicable standards such officers must meet. These standards require rulemaking, under the general grant given in the new statutes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues – Rulemaking

The intent of the grant of rulemaking authority contained in s. 327.905, F.S., appears to cover Part II in its entirety. If this is the case, the Joint Administrative Procedures Committee recommends moving the grant into a new section, or into s. 327.902, F.S., to clarify its application to the entire part.²⁸

Drafting Issues – Definition

The HSMV has expressed a concern that the bill does not specifically define what constitutes a “management position” for purposes of interpreting the six percent management cap contained in Sections 21 and 31 of the bill.²⁹

Other Comments – Potential Duplication of Efforts

The FWCC has issued the following concern regarding a potential duplication of efforts between agencies:

Losing half of its officers would cripple the ability of FWC to effectively and efficiently enforce Florida’s and federal resource conservation laws and protect the public of Florida. It would create a duplication of effort, equipment, personnel, and supervision by dividing current FWC law enforcement responsibilities between two agencies. It would create a situation where one officer would check waterborne resource users to enforce conservation laws and rules, while another officer from a separate agency would have to check the same users to enforce boating safety laws. In effect, two different officers with separate enforcement responsibilities and each with his/her own vessel and vehicle would perform the same tasks currently provided by one officer. This would be an inefficient use of personnel, equipment, and tax dollars. Other inefficiencies which would occur include: the duplication of supervisors; span of control; training; support staff; and infrastructure.

Additionally, it could foster a negative perception, not only from duplicate inspections, but also if an FWC or Department of Public Safety officer could not respond to a particular need or request for a law enforcement service because it was not part of that officer’s jurisdiction.³⁰

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

Not applicable.

²⁷ Section 20.06(1), F.S.

²⁸ E-mail from Joint Administrative Procedures Committee, April 13, 2006.

²⁹ 2006 DHSMV Bill Analysis, HB 1421, Department of Highway Safety and Motor Vehicles, March 6, 2006.

³⁰ 2006 Legislative Bill Analysis – HB 1421, Florida Fish and Wildlife Conservation Commission, April 14, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
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Bill No. **HB 775 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Governmental Operations

2 Representative(s) Gottlieb offered the following:

3
4 **Amendment (with title amendments)**

5 Remove everything after the enacting clause and insert:

6
7 Section 1. Section 490.0149, Florida Statutes, is created
8 to read:

9 490.0149 Specialties.--

10 (1) As used in this section, the term "certified
11 psychology specialist", "board-certified psychology specialist",
12 or "psychology diplomate" means a psychologist with special
13 competency which was acquired through an organized sequence of
14 formal education, training, experience, and professional
15 standing and which has been recognized by a certifying body that
16 has been approved under subsection (3).

17 (2) A person licensed as a psychologist may not hold
18 himself or herself out as a certified psychology specialist,
19 board-certified psychology specialist, or psychology diplomate
20 unless the person has received formal recognition as a certified
21 psychology specialist, board-certified psychology specialist, or

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psychology diplomate from a certifying body that has been approved under subsection (3).

(3) The board shall be responsible for approving the certifying bodies which recognize certified psychology specialists, board-certified psychology specialists, or psychology diplomates. The certifying body must require, as a condition of recognition, the following criteria in order to be approved by the board:

(a) A minimum of three years of experience as a psychologist.

(b) Peer review of applicants.

(c) Additional education which may include self-study.

(d) Adherence to standards established by the certifying body.

The board shall adopt, by rule under ss. 120.536(1) and 120.54, an application and a process for the approval of certifying bodies.

(4) A person licensed under this chapter may indicate the services he or she offers and may indicate that his or her practice is limited to one or more types of services when this accurately reflects his or her scope of practice.

Section 2. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to psychologist specialties; creating s. 490.0149, F.S.; providing a definition; specifying the circumstances under which a psychologist may hold himself or herself out as a certified psychology specialist or psychology

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52 | diplomate; requiring the Board of Psychology to approve
53 | certifying bodies; providing criteria for approval of the
54 | certifying bodies; requiring the Board of Psychology to
55 | establish an application and approval process by rule;
56 | specifying that a person licensed under ch. 490, F.S., may
57 | specify the types of services he or she provides; providing an
58 | effective date.
59 |

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Governmental Operations
2 Representative(s) Benson offered the following:

3
4 **Amendment**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (f) is added to subsection (15) of
7 section 121.021, Florida Statutes, to read:

8 121.021 Definitions. The following words and phrases as
9 used in this chapter have the respective meanings set forth
10 unless a different meaning is plainly required by the context:

11 (15)

12 (f) Effective July 1, 2006, the term "special risk member"
13 includes any member who is employed by the Department of
14 Corrections or the Department of Children and Family Services
15 and meets the special criteria set forth in s. 121.0515(2)(i).

16 Section 2. Subsection (2) of section 121.0515, Florida
17 Statutes, is amended to read:

18 121.0515 Special risk membership.

19 (2) CRITERIA. A member, to be designated as a special
20 risk member, must meet the following criteria:

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21 (a) The member must be employed as a law enforcement
22 officer and be certified, or required to be certified, in
23 compliance with s. 943.1395; however, sheriffs and elected
24 police chiefs shall be excluded from meeting the certification
25 requirements of this paragraph. In addition, the member's duties
26 and responsibilities must include the pursuit, apprehension, and
27 arrest of law violators or suspected law violators; or the
28 member must be an active member of a bomb disposal unit whose
29 primary responsibility is the location, handling, and disposal
30 of explosive devices; or the member must be the supervisor or
31 command officer of a member or members who have such
32 responsibilities; provided, however, administrative support
33 personnel, including, but not limited to, those whose primary
34 duties and responsibilities are in accounting, purchasing,
35 legal, and personnel, shall not be included;

36 (b) The member must be employed as a firefighter and be
37 certified, or required to be certified, in compliance with s.
38 633.35 and be employed solely within the fire department of a
39 local government employer or an agency of state government with
40 firefighting responsibilities. In addition, the member's duties
41 and responsibilities must include on-the-scene fighting of
42 fires, fire prevention, or firefighter training; direct
43 supervision of firefighting units, fire prevention, or
44 firefighter training; or aerial firefighting surveillance
45 performed by fixed-wing aircraft pilots employed by the Division
46 of Forestry of the Department of Agriculture and Consumer
47 Services; or the member must be the supervisor or command
48 officer of a member or members who have such responsibilities;
49 provided, however, administrative support personnel, including,
50 but not limited to, those whose primary duties and

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responsibilities are in accounting, purchasing, legal, and personnel, shall not be included and further provided that all periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, shall be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care or direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility. However, administrative support personnel,

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81 including, but not limited to, those whose primary
82 responsibilities are in accounting, purchasing, legal, and
83 personnel, shall not be included;

84 (e) The member must be employed as a community-based
85 correctional probation officer and be certified, or required to
86 be certified, in compliance with s. 943.1395. In addition, the
87 member's primary duties and responsibilities must be the
88 supervised custody, surveillance, control, investigation, and
89 counseling of assigned inmates, probationers, parolees, or
90 community controllees within the community; or the member must
91 be the supervisor of a member or members who have such
92 responsibilities. Administrative support personnel, including,
93 but not limited to, those whose primary duties and
94 responsibilities are in accounting, purchasing, legal services,
95 and personnel management, shall not be included; however,
96 probation and parole circuit and deputy circuit administrators
97 shall participate in the Special Risk Class;

98 (f) The member must be employed in one of the following
99 classes and must spend at least 75 percent of his or her time
100 performing duties which involve contact with patients or inmates
101 in a correctional or forensic facility or institution:

- 102 1. Dietitian (class codes 5203 and 5204);
- 103 2. Public health nutrition consultant (class code 5224);
- 104 3. Psychological specialist (class codes 5230 and 5231);
- 105 4. Psychologist (class code 5234);
- 106 5. Senior psychologist (class codes 5237 and 5238);
- 107 6. Regional mental health consultant (class code 5240);
- 108 7. Psychological Services Director DCF (class code 5242);
- 109 8. Pharmacist (class codes 5245 and 5246);
- 110 9. Senior pharmacist (class codes 5248 and 5249);

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
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10. Dentist (class code 5266);
11. Senior dentist (class code 5269);
12. Registered nurse (class codes 5290 and 5291);
13. Senior registered nurse (class codes 5292 and 5293);
14. Registered nurse specialist (class codes 5294 and 5295);
15. Clinical associate (class codes 5298 and 5299);
16. Advanced registered nurse practitioner (class codes 5297 and 5300);
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305);
18. Registered nurse supervisor (class codes 5306 and 5307);
19. Senior registered nurse supervisor (class codes 5308 and 5309);
20. Registered nursing consultant (class codes 5312 and 5313);
21. Quality management program supervisor (class code 5314);
22. Executive nursing director (class codes 5320 and 5321);
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251);

(g) The member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community; ~~or~~

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(h) The member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline recognized by the International Association for Identification and must qualify for active membership in the International Association for Identification. The member's primary duties and responsibilities must include the collection, examination, preservation, documentation, preparation, or analysis of physical evidence or testimony, or both, or the member must be the direct supervisor, quality management supervisor, or command officer of one or more individuals with such responsibility. Administrative support personnel, including, but not limited to, those whose primary responsibilities are clerical or in accounting, purchasing, legal, and personnel, shall not be included; ~~or-~~

(i) The member must be employed by the Department of Corrections or the Department of Children and Family Services with the following specified primary duties and responsibilities in one of the following positions:

1. Licensed Practical Nurse. Medication administration during scheduled times, and as otherwise directed, and routine practical nursing care to include assistance in resident personal hygiene, feeding, vital signs, first aid, dressing changes, irrigations and enemas.

2. Unit Treatment and Rehabilitation Specialist. Provide direct patient care to mental health residents by participation in therapy sessions, activity programs, personal hygiene and individualized treatment. Maintain a secure and therapeutic environment and monitor residents' progress and implement specialized treatments as directed by the treatment team. Supervise residents in recreational or cultural activities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
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171 Coordinate clinic visits for residents and assist nurse when
172 necessary. Write and read daily notes on residents' behavior,
173 review daily program notes, shift reports, logs and keep current
174 on all changes in the residents' record.

175 3. Behavioral Program Specialist. Maintain a safe,
176 secure, and therapeutic environment by implementing specialized
177 behavior control techniques; work closely with other staff to
178 reduce seclusion hours; directly supervise all Unit Treatment
179 and Rehabilitative Specialists; and write required performance
180 appraisals and other feedback on supervised staff in a timely
181 manner.

182 4. Unit Treatment and Rehabilitative Senior Supervisor.

183 a. Directly supervise all Unit Treatment and
184 Rehabilitative Specialists at a treatment building or in
185 multiple buildings; review progress notes and assign and
186 coordinate Unit Treatment and Rehabilitative Specialist
187 activities; handle all emergency situations on shift, and
188 participate in or conduct therapy sessions; or

189 b. Directly supervise other Unit Treatment and
190 Rehabilitative Senior Supervisors or behavioral program
191 specialists and coordinate activities for consistency from shift
192 to shift, prepare or implement work schedules for assigned
193 buildings to ensure minimum coverage, approve leave and schedule
194 changes, disseminate information, policies, and communications
195 to treatment staff, serve as liaison between counselors and
196 treatment staff, and supervise and evaluate volunteers and
197 interns.

198 6. Rehabilitation Therapist. Supervise and coordinate
199 resident work programs to include such duties as vocational
200 evaluation and counseling of residents for placement in

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classroom or job site training, monitor residents in their
attainment of occupational skills by means of on the job
training and classroom instruction, and directly supervise
resident groundskeepers.

7. Human Service Worker.

a. Responsible for maintaining the resident building to
meet the sanitation, safety and infection control standards and
responsible for serving meals, conducting room checks,
conducting face counts and escorting residents to medical and
other appointments as assigned; or

b. Assist residents in their daily living activities,
admit residents to unit, assist with discharges, complete
resident assessments and other forms as needed and assist with
therapeutic activities as assigned.

In addition, the performance of these duties by the member must
require the member to spend at least 75 percent of his or her
time in contact with patients or inmates in a correctional or
forensic facility or institution.

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Bill No. **HB 1223**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

Council/Committee hearing bill: Governmental Operations
Representative(s) Attkisson offered the following:

Amendment to Amendment

Between lines 163 and 164 insert:

2. Senior Licensed Practical Nurse. Participates in the screening, evaluation, and care of patients or inmates under the supervision of a physician and/or a registered nurse. Provides treatments and administers medication per physician orders. Performs specific nursing tasks including, but not limited to, venipuncture and vital signs. Provides appropriate nursing interventions in emergency situations. Responsible for complete and accurate documentation in the patient's health record for care provided. Maintains records and logs and assists with data entry within the scope of nursing related information. Participates in the monitoring, requisition, and documentation of use of medications, medical supplies, and equipment.